

Oglala Sioux Tribe



Office of Economic Development/Utilities
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To: All Eligible Telecommunications Carriers ("ETCs") on the Pine Ridge Reservation

From: Oglala Sioux Tribal Utilities Commission

Date: September 10, 2012

On July 19, 2012, the Federal Communications Commission ("FCC"), through the Office of Native Affairs and Policy ("ONAP"), in coordination with the Wireless Telecommunications Bureau and Wire line Competition Bureau, provided guidance on the new Tribal engagement obligation in 47 C.F.R. § 54.313(a), which was adopted in the FCC's November 18, 2011 *Connect America Fund Order*. See *Office of Native Affairs and Policy, Wireless Telecommunications Bureau, and Wire line Competition Bureau Issue Further Guidance On Tribal Government Engagement Obligation Provisions of the Connect America Fund*, Public Notice, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, WT Docket No. 10-208, GN Docket No. 09-51, DA-12-1165, July 19, 2012. In particular, the FCC requires high cost universal service support recipients on Tribal lands to comply with all tribal requirements and coordinate their activities on reservations with the affected Tribes. Each year, ETCs must file an annual report with the FCC identifying, among other things:¹

¹ The FCC changed the reporting date to July 1 of each year. See *Connect America Fund*, Third Order on Reconsideration, FCC 12-52 (rel. May 14, 2012).

(9) *Beginning April 1, 2013.* To the extent the recipient serves Tribal lands, documents or information demonstrating that the ETC had discussions with Tribal governments that, at a minimum, included:

(i) A needs assessment and deployment planning with a focus on Tribal community anchor institutions;

(ii) Feasibility and sustainability planning;

(iii) Marketing services in a culturally sensitive manner;

(iv) Rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and

(v) Compliance with Tribal business and licensing requirements. Tribal business and licensing requirements include business practice licenses that Tribal and non-Tribal business entities, whether located on or off Tribal lands, must obtain upon application to the relevant Tribal government office or division to conduct any business or trade, or deliver any goods or services to the Tribes, Tribal members, or Tribal lands. These include certificates of public convenience and necessity, Tribal business licenses, master licenses, and other related forms of Tribal government licensure.


The Oglala Sioux Tribal Utilities Commission hereby notifies all ETCs on the Pine Ridge reservation that they should provide a written report to the Tribal Utilities Commission identifying all steps being taken in 2012 to meet the requirements of 47 C.F.R. § 54.313(a)(9), including:

1. a list of all contacts made with the Tribe and tribal officials, identifying the individual contacted, the date of the contact, and the purpose of the contact;
2. a copy of the needs assessment and deployment planning that was, or is being, preformed by the ETC;
3. an explanation of the feasibility and sustainability of each service offering on the reservation, including Lifeline service offerings; the feasibility and sustainability analysis should include the following information:

- a. the amount of high cost support received in 2011 and projected to be received in 2012 and beyond;
 - b. the amount of Lifeline support received in 2011 and projected to be received in 2012 and beyond;
 - c. the capital and operating expenditures for providing universal service on the reservation in 2011 and projected expenditures in 2012 and beyond;
 - i. a copy of the Service Improvement Plan ("SIP) filed with the FCC pursuant to 47 C.F.R. §§ 54.209 and 54.313, identifying the specific cell sites and other capital expenditures made with universal service funding;
 - d. the projected universal service support -- high cost and Lifeline -- to be received in 2012 and beyond;
4. marketing and tribal outreach initiatives undertaken, or being undertaken, on the Pine Ridge reservation;
5. for each cell site or other facility on the reservation, identify:
- a. name and location of the cell site/facility;
 - b. type, height and size of the antenna tower/facility;
 - c. a description of the land and rights of way obtained to connect the antenna tower/facility to a public access point;
 - d. land use permits obtained;
 - e. facilities siting processes followed;
 - f. a detailed explanation of the environmental and cultural preservation review procedures followed by the ETC for the construction of the antenna tower/facility; and
6. a copy of all licenses obtained to transact business on the reservation and an identification of the payment of all applicable fees, including:
- a. certificates of authority to provide telecommunications service;

- b. business licenses; and
- c. All payments required to the Tribe, along with tribal taxes and fees, including 911.

This list is not intended to be inclusive of all applicable tribal requirements and FCC reporting obligations, but is intended to provide ETCs with further guidance on the information necessary for the tribal consultation process. Upon receipt of the information above, the Oglala Sioux Tribal Utilities Commission will work with the ETCs to meet their tribal requirements and FCC reporting obligations. The Oglala Sioux Tribal Utilities Commission has established a single point of contact for the tribal consultation process as identified below. All ETCs should provide information for the tribal consultation process only through the following tribal point of contact, which has been officially designated as the Tribe's point of contact for the tribal consultation process:

David Mills or Designated Tribal Consultant Representative 
Director Office Economic and Business Development/Utilities
P.O. Box 669
Pine Ridge, SD 57770
605-867-5771
E-Mail: OSTUtilitiesCommission@gmail.com

The Commission encourages all ETCs to communicate by email to establish a record of all communications. Should there be any questions about the tribal consultation process, please contact the Director OST OED/Utilities.